

## REMARKS

Claims 1-17 and 22-28 are pending in the application.

### I. THE OBVIOUSNESS REJECTION

The examiner has withdrawn his rejection of claims for anticipation in view of Horton et al. and now rejects claims 1-8, 10-12, 17, 23 and 26-28 for obviousness over Ousterhout et al. (USP 6,312,188) in view of Horton and in the case of claims 2-5, further in view of Marphetia (USP 6,312,189). In particular, examiner's obviousness position relies upon Ousterhout et al. for disclosing a vehicle arresting device (110) including a net (120) adapted to be laid flat on the ground in the path of a vehicle. Claims 1-8, 10-12, 17, 23 and 26-28 are patentable because Ousterhout et al. does not disclose the features alleged by the examiner

Ousterhout et al's arrester is based upon a completely different *modus operandi* than the present invention. Net 20 or 120 of Ousterhout et al. is not "adapted to be laid flat on the ground" as the examiner alleges. Instead the net 20/120 is deployed in an *upright* orientation between the telescopic supports 14, 16 or 114A, 114B in the path of the target vehicle, catches the vehicle in the net as the vehicle drives into the barrier, and it is brought to a halt by the brake systems 24 or 124A, 124B through cables 22 or 122A, 122B attached to the net. This functioning of Ousterhout et al. net 20/120 is abundantly clear from Figures 7-11 and 15-19 and the corresponding description. The net is not *laid flat on the ground* as claimed in the present application, nor equipped with spikes for embedding in the vehicle's tires, nor does it wrap around the wheels and pull tight under the vehicle to stop the wheels turning which is how the device of the present invention functions.

The examiner also refers to Figures 20-23 of Ousterhout et al. in support of these rejections. These Figures do not show the net wrapping around the vehicle wheels, however. What these Figures show is a single "aft capture line" 152 which, using a complex system of pulleys, slack lines and frangible connections, is pulled behind the vehicle by the action of the vehicle driving into the barrier and catches around the rear wheels to prevent the vehicle reversing away from the barrier. The multiple lines shown in Figures 22 and 23 do not depict a net but merely the line 152 in

successive positions during this operation. The embodiment described from column 8, line 31 to column 10, line 56 refers. For at least these reasons, the examiner has not shown that the prior art and in particular Ousterhout et al. includes net adapted to be laid flat on the ground and the rejections of claims 1-12, 14, 23 and 26-28 for obviousness must be withdrawn.

With respect to independent method claim 26 Ousterhout et al. further does not, as alleged by the examiner, “disclose essentially all that is claimed, except for the use of tire spikes mounted to the net”. Neither do Horton et al teach the claimed method of spike attachment as alleged. This is to say, as shown in Figure 3 of the reference, the spike 52 does not penetrate the material of the net (cable 26) at all. Rather, the spike has a base 58 which is affixed to the net system 22 at one of its intersection points (column 3, lines 54-57) by the respective cable passing through a slot or bore in the base. Claims 26-28 are independently non-obvious and patentable for this reason as well.

The rejected claims are alternatively non-obvious and patentable because Ousterhout et al. does not disclose a net with loops that are orientated with a longer dimension in the fore and aft direction because, not being laid flat on the ground, it does not have loops extending in that direction but in the up and down direction. Neither is it suggested by Ousterhout et al. that their net has any particular transverse elongation capability as is claimed in the present application and is an important design criterion as explained in our previous response.

Finally, all of the rejected claims are non-obvious and patentable because the combination of the teachings of Ousterhout et al. with Horton et al. does not result or suggest the claimed invention. Indeed, the skilled person would understand that the two references teach systems that work on completely different principles – Ousterhout et al. with an upright net to catch the vehicle and Horton et al. with a flat net to interconnect the front and rear wheels or to engage a pipe or the like rigid member under the vehicle frame to prevent further rotation of the wheels. Even if they are combined they would still not provide the characteristic net loop orientation or transverse elongation of the net as claimed, and both operate quite differently from the present invention. Because of these significant differences in the reference teachings,

one skilled in the art would not have been led to combine the references to reach the claimed invention. The examiner should withdraw the rejection of claims 1-12, 14, 23 and 26-28 for this reason as well.

## **II. THE ALLOWABLE SUBJECT MATTER**

The applicant acknowledges that claims 13-16, 22, and 24-25 stand allowed and that claim 9 stands objected to for depending upon a rejected base claims.

## **CONCLUSION**

Pending application claims 1-17 and 22-28 are believed to be patentable for the reasons recited above. Favorable reconsideration and allowance of all pending application claims is, therefore, courteously solicited.

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